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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/982,289 | 10/17/2001 | Rodney P. Ehrlich | 739/37925/31 | 7844 |

7590 04/01/2003

Trexler, Bushnell, Giangiorgi
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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,289

Applicant(s)

EHRlich, RODNEY P.

Examiner

Andre' L. Jackson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 27-31 and 34-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-25, 28-30, 34, 37-54, 56-58, 60, 61 and 64 is/are rejected.
- 7) ☒ Claim(s) 16-18, 27, 35, 36, 55, 59, 62 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-8, 10-12, 14-15, 19-21, 23-25, 28-30, 34, 37-41, 44-45, 47-49, 51-54, 56-58, 60-61 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,861,830 to Bennett. Bennett discloses a door lock mechanism configured for use with a trailer having a floor; a rear frame (24) having an opening there-through and structure on a bottom portion thereof; at least one door (20) mounted in the rear frame; a sleeve (38) mounted on the door and extends a substantial height of the door of the trailer; an end cap (44) disposed at an end of the sleeve; a lock-rod (34) disposed in the sleeve and extending through an opening in the end cap, where the lock-rod is sandwiched between the sleeve and the door; and a handle assembly (68) connected to the lock-rod, the handle assembly having a first structure (40) thereon configured to engage corresponding structure (42) on the trailer, thereby locking the door in place, the handle assembly configured for actuation to rotate the lock-rod, thereby selectively locking and unlocking the door, the handle assembly including a handle and a second structure provided on the handle and configured to engage corresponding structure (70a) on the trailer, thereby locking the handle in place, the second structure including a dog (72a) provided on the handle to engage a corresponding opening of 70a on the trailer, an L-shaped, inclined member (62a) provided on the handle and configured for engagement with the corresponding opening on the trailer, the

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member being moved into engagement with the corresponding opening primarily by gravity, the second structure further includes a base portion (defined by an interconnecting surface), wherein the member is pivotally mounted (60a) on the base portion and the handle assembly hangs below the door.

Referring to claims 8, 21, 34, 49 and 61, Bennett further includes a pivotable member (78) in communication with the handle assembly, a lever (68a) disposed on the handle where the lever includes a pin (72) that extends through an aperture wall (74) in the handle. The lever configured such that the lever can be manipulated relative to the handle such that the pin is over the tongue and alternately a padlock can be inserted in an opening (71) to prevent pin from moving to an opening direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 22 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of USPN 4,082,330 to McWhorter. Bennett discloses all the limitations of the above claims except Bennett does not disclose that the tongue member is generally T-shaped or that the corresponding structure has a T-shaped opening or slot. McWhorter teaches a door lock assembly comprising a handle assembly having a handle (12) and a T-shaped tongue structure

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(19) configured to engage a corresponding T-shaped slot (21) mounted on respective doors (13) to firmly and securely locks the handle. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door lock mechanism of Bennett to include the door lock assembly of McWhorter to provide a handle assembly having mirrored shaped parts to firmly and securely lock the parts.

Claims 5, 6, 42, 43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of USPN 4,660,872 to Carson et al, and in further view of USPN 3,451,705 to Turpen. Bennett discloses the use of thrust bearings (36) disposed between the end caps and the handle assembly but Bennett does not disclose that the bearings are split bearings made of high-density polyethylene. Carson et al teaches a latch mechanism including polyethylene thrust bearings (26, 126) providing self-lubricating properties and Turpen shows a split bearing assembly (22) that easily changeable. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the door lock mechanism of Bennett to include the combination of features taught by Carson et al and Turpen to provide a thrust bearing for a door lock mechanism providing a smooth self lubricating buffer that easily changeable.

Allowable Subject Matter

Claim 31 is allowed.

Claims 16-18, 27, 35, 36, 55, 59, 62 and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Arguments

Applicant's arguments with respect to claims 1-25, 27-31 and 34-64 have been considered but are moot in view of the new ground(s) of rejection.

In response to the previous Action communicated on July 31, 2002, the Examiner of record indicated that claims 8, 16, 21, 22, 30-32, 39 were objected to and claims 48-61 and 64 were allowed. After reconsideration of the claims and the prior art made of record, the Examiner respectfully withdraws indication of allowable subject matter. Bennett has been cited and anticipates the limitations of applicant's claims. Accordingly claims 1-15, 19-25, 28-30, 34, 37-54, 56-58, 60, 61 and 64 are rejected. Claims 16-18, 27, 35, 36, 55, 59, 62 and 63 are objected to and claim 31 is allowed.

Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on door latch mechanisms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson
Patent Examiner
AU 3677

ALJ
March 21, 2003



ROBERT J. SANDY
PRIMARY EXAMINER